



**9 Peace Pipe Lane
Sherman, Connecticut 06784**

Phone: (860) 354-2454 FAX: (860) 354-0054

Cell: (203) 512-6200

Email: sgreenbaum@uchicago.edu

June 24, 2021

Melanie Bachman, Esq.
Executive Director
Connecticut Siting Council
melanie.bachman@ct.gov
siting.council@ct.gov

Dear Ms. Bachman,

I was looking on the website for a document an hour ago, about 10:30 a.m. this morning, when I discovered the Applicant's

**MOTION ON THE SCOPE OF INTERVENOR STAN GREENBAUM'S PARTICIPATION
IN DOCKET 499, TO COMPEL THE DISCLOSURE OF ANY WITNESSES HE
INTENDS TO CALL, AND FOR THE EXCLUSION OF CERTAIN DOCUMENTS OR
TESTIMONY AS PART OF MR. GREENBAUM'S INTENDED EVIDENTIARY CASE**

It is dated June 18, 2021 and their Certificate of Service says that they sent an electronic copy to me on that date. I have checked my email and my inbox folders and do not find any correspondence from the Applicant. I have formulated my responses below and object to the lack of notice by the Applicant. Heretofore, I would request an email with acknowledgment so that there is no question that documents have been sent and received in a timely manner.

In reviewing my submissions, I have mentioned, in my May 18, 2021 request for a 90 day continuance, that Richard Touroonjian, the Radio Frequency Engineer from Allegiant Wireless was retained by me to assist me in this endeavor. He will be a witness in the Hearing before the Siting Council tomorrow, June 24, 2021. I have been working to confirm the other witnesses who can speak to the exhibits that I have entered that may not be self-explanatory.

In Section I of the Applicant's Motion, they have mis-characterized my role in this proceeding in a manner prejudicial to my efforts as an Intervenor by stating, among other things, that "he has been a community advocate in this matter since 2013 (and) was well aware of the application and its procedural status and has been opposed to the tower project from its inception."

Section II, Participation in Contested Cases by Intervenors the Applicant correctly states the role of an Intervenor. It was my understanding that the proceedings thus far are part of the usual practice of the Connecticut Siting Council. I was not aware that this was being treated as a Contested Case though I have presented evidence that the Applicant has omitted, was incomplete in their Application or that may be contrary to the interests of the Applicant.

Section III of the Motion, Uniform Administrative Procedures Act and Siting Council Evidentiary Rules in Contested Cases is duly noted with the same comment as above regarding Section II of their motion. I was not aware that this was being treated as a Contested Case though I have presented evidence that the Applicant has omitted, was incomplete in their Application or that may be contrary to the interests of the Applicant.

Section IV, Applicants' Specific Objections and Requests Related to Mr. Greenbaum's Filings,

Part A Request for Disclosure of Witnesses again, contains mischaracterizations and assumptions. I, as Intervenor, am not a witness in this proceeding. Some of the documents that were filed on June 17, 2021 only became available to me on that day or a day or two earlier. I am still in the process of confirming that individuals who can speak to those documents are willing to be witnesses at the hearing on June 24, 2021. As of this morning the following people have agreed to be witnesses:

Richard Touroonian, Allegiant Wireless radio frequency engineer

Jennifer Prescott, Sherman resident who has undertaken a road by road study of cell phone communication with several other residents. The results of that study will be available before the hearing on June 24, 2021

Steven Quaranta, owner of property on Coote Hill Road who can speak to Intervenor's Exhibits, Attachment 10, Coote Hill Road Traffic Study, June 15, 2021

Marge Josephson, Sherman resident, former President of the Naromi Land Trust will speak to the Applicant's search for appropriate cell tower sites

Aldo Pascarella, can speak to the Applicant's search for appropriate cell tower locations and is the owner of property to the south of Coote Hill that is suitable for a cell tower that covers more of southern Sherman than the Applicant's proposed site on Coote Hill Road

Part B Request to Exclude Publication of Proprietary/Privileged Information from the Council's Public Record has been addressed by the Applicant's Motion for a Protective Order regarding these documents.

Part C Request to Limit the Scope of Mr. Greenbaum's Evidentiary Case to Matters of Relevance and Exclude Certain Documents

1. The Council Should Preclude Testimony and Exclude Information Mr. Greenbaum Intends To Raise Related to Coote Hill Road Real Property Rights and Any Homeowner's Deeds

The obligations and rights of the homeowners on Coote Hill Road, as specified in their deeds, are consequentially affected by the Road agreement between the Applicant and Pepper Jones. The Applicant has also relied upon these rights to assert that the owner of 16 Coote Hill Road has the right to permit the Applicant to use the Road under the terms of his deed. As such, these deeds are an important part of this Hearing. Furthermore, the Applicant stated in the May 25th, 2021 Hearing that the agreement with Mr. Jones, owner of the Road, was not needed in order for

them to make their Application and use the Road for access to 16 Coote Hill Road.

2. The Council Should Exclude Certain Irrelevant Information Involving a Tower in Patterson New York

Site Name	Address	City/State	Location		Antenna Height (ft AGL)	Ground Elevation (feet)
			Latitude	Longitude		
CT1252	111 Second Hill Road	Bridgewater	41.5550	-73.3709	156	908
CT1331	32 Ct Route 37 East	Sherman	41.5833	-73.4800	72	738
CT1684	25 Garland Road	Patterson	41.4833	-73.5349	122	634
CT2001	33 Boardman Road	New Milford	41.5994	-73.4375	120	564
CT2006	29 Bogus Hill Road	New Fairfield	41.5118	-73.4672	140	619
CT2155	4 Elkington Farm Road	New Milford	41.5909	-73.4086	154	478
CT2260	100 Old Town Park Road	New Milford	41.5351	-73.4249	175	254
CT2400	89 Wewaka Brook Road	Bridgewater	41.5087	-73.3544	166	583
NW2813	2680 Route 22	Patterson	41.4899	-73.5746	129	795
UN4388	124 Penny Rd	Pawling	41.5845	-73.6345	126	921

Attachment 2: CT1341 Neighbor Site Data

As the above Attachment 2 shows, the Applicant failed to include the tower owned by the Town of New Fairfield in Patterson, NY in their neighbor site table. The leases with Verizon and T-Mobile on that tower since 2018 demonstrate that it may be a viable site for parts of southern Sherman. This is reflected by the fact that many people in southern Sherman have been receiving cell service since 2018. The Applicant has presented conflicting statements and documents regarding the availability of cell phone service in southern Sherman.

3. SVFD, LCD and the Town Are Not Parties or Intervenors and Mr. Greenbaum’s Demand That They Pursue Public Safety Communication Alternatives to Collocation on the Proposed Cellular Tower Is Not Relevant to the Council’s Statutory Criteria

In Hearing testimony on May 25, 2021, the Applicant made a point of stating that their tower had to be 170’ tall to accommodate the LCD dish so that it could communicate with a tower on East Mountain in Wingdale, NY. The New Fairfield tower and Aquarian water tank sites were sought after by the Town of Sherman and, in the last analysis, were rejected by the Town of Sherman in favor of a “free” location on the Coote Hill Tower. It has not been clear whether the Town of Sherman, the SVFD and LCD were parties to this application. It has been the objective of the Intervenor to get the

equipment owned by the Town of Sherman, purchased in 2017 for \$147,000 on a suitable tower so that it can be available at the earliest opportunity. As to the Applicant's request that **Exhibit 13** and the FOI requests to the Town of Sherman and New Fairfield be excluded, the Intervenor states that it was these requests that led to information that contradicted information in the Application and/or supplied information that was omitted from the Application.

4. Applicants Reserve the Right to Voir Dire (Question) Witnesses Prior to Admission of Any Other Documents Presented by Mr. Greenbaum as filed May 18 or June 17, 2021

Noted.

Thank you for your ongoing professionalism in the management of Docket #499.

Cordially,

Stan Greenbaum

Stan Greenbaum

CERTIFICATE OF SERVICE

I hereby certify that on this day one electronic copy of the foregoing was sent electronically to the Connecticut Siting Council with one electronic copy sent to the list below, hard copy to follow.

Christopher B. Fisher, Esq.
Lucia Chiocchio, Esq.
Cuddy & Feder, LLP
445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
Phone (914) 761-1300
cfisher@cuddyfeder.com
lchiocchio@cuddyfeder.com

Raymond Vergati
Manuel Vicente
Homeland Towers, LLC
9 Harmony Street, 2nd Floor
Danbury, CT 06810
rv@homelandtowers.us
mv@homelandtowers.us

Brian Leyden
Harry Carey
AT&T
84 Deerfield Lane
Meriden, CT 06450
bl5326@att.com
hc3635@att.com

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Stan Greenbaum
9 Peace Pipe Lane
Sherman, CT 06784
(860) 354-2454
sgreenbaum@uchicago.edu